



Response to Comments

Agreed Order and Public Participation Plan

Duwamish Waterway Park Cleanup Site Seattle, WA

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Regional Office

Shoreline, Washington

April 2023

Publication Information

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- Shoreline at Duwamish Waterway Park (City of Seattle)

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- Clean-up site ID: 15139
- Facility site ID: 49919

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¹ www.ecology.wa.gov/contact

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
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Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

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DEPARTMENT OF
ECOLOGY
State of Washington

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Public Outreach Summary

The Duwamish Waterway Park cleanup site is located at 7900 10th Avenue South, in Seattle WA. The approximately 1.7 acre Site is adjacent to the Lower Duwamish Waterway (LDW). The Duwamish Waterway Park cleanup site is beginning Washington State's [formal cleanup process](#)² as directed under the Model Toxics Control Act ([MTCA](#)³).

The Washington State Department of Ecology has negotiated a legal agreement called an Agreed Order with City of Seattle (City), the Potentially Liable Persons (PLPs), for the 7900 10th Avenue South (Site). The Agreed Order requires the PLPs to address contamination at the site.

Ecology invited input on the following documents:

- **Agreed Order:** legal document that requires the PLPs to investigate environmental conditions, complete a Remedial Investigation (RI), Feasibility Study (FS), and a draft Cleanup Action Plan (dCAP).
- **Public Participation Plan:** describes how Ecology will inform the community about site activities and ways to become involved.

Ecology's public involvement activities related to this 45-day comment period (January 30 – March 15, 2023) included:

- **Fact Sheet:**
 - US mail distribution of a fact sheet providing information about the documents, the public comment period, public meetings to approximately 2,770 addresses including neighboring businesses and other interested parties.
 - Email distribution of the fact sheet to over 900 people, including interested individuals, local/county/state/federal agencies, neighborhood associations, and interested community groups.
 - The fact sheet was also available digitally through Ecology's [cleanup site webpage](#)⁴.
- **Legal Notice:**
 - Publication of one paid display ad in *The Seattle Times*, dated, Friday, January 27, 2023.
- **Site Register:**
 - Publication of 5 notices in Ecology's Toxics Cleanup Site Register:
 - Comment Period Notice:
 - January 26, 2023
 - February 9, 2023
 - February 23, 2023
 - March 9, 2023

² <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

³ <https://ecology.wa.gov/mtca>

⁴ <https://apps.ecology.wa.gov/cleanupsearch/site/15139>

- Response Summary Notice:
 - May 4, 2023
 - Visit [Ecology's Site Register website](#)⁵ to download PDFs.
 - **Media Notification:**
 - Ecology sent a media notice on Thursday, January 26, 2023, to Seattle area media outlets.
 - **GovDelivery Email System Notifications:**
 - January 17, 2023: Ecology included outreach information and links for the comment period and public meeting to Ecology's January Duwamish River Update which has over 850 email subscribers.
 - January 26, 2023: Ecology sent a notice to a list of approximately 30 community groups and organizations with outreach information and links for the comment period and public meetings.
 - February 15, 2023: Ecology included information about a blog story and links for outreach information for the open comment period to Ecology's February Duwamish River Update which has over 850 email subscribers.
 - **Social Media:**
 - **Blog:** On Friday, February 3, 2023, Ecology's Northwest Regional Office posted a story about Duwamish Waterway Park site comment periods on [Ecology's blog](#)⁶, which has approximately 1,200 email subscribers.
 - **Twitter:** Ecology – Northwest Region @ecyseattle posted a [tweet](#)⁷ on Monday, January 30, 2023 connecting readers to the comment period including the cleanup site webpage.
 - **Online and In-Person Public Meetings:**
 - Ecology hosted an [online public meeting](#)⁸ Tuesday, February 7, 2023 at 12:00 p.m. through the Zoom meeting application. Ecology also hosted an in-person public meeting Wednesday, February 8, 2023 at 6:30 p.m. Interpretation was available in Spanish, Chinese, Vietnamese, Khmer, Somali, and Amharic. Ecology and City of Seattle staff presented details on the Duwamish Waterway Park site, the review documents, and then answered questions.
 - **Websites:**
 - Ecology announced the public comment period, Ecology's public meeting, posted the fact sheet (including translations in Spanish, Chinese, Vietnamese, Khmer, Somali, and Amharic), and made the review documents available on Ecology's [Duwamish Waterway Park webpage](#)⁹ and Ecology's [Public Inputs & Events webpage](#)¹⁰.

⁵<https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter>

⁶ <https://ecology.wa.gov/Blog/Posts/February-2023/Cleaning-Up-Getting-ready-to-clean-up-Duwamish>

⁷ <https://twitter.com/ecyseattle/status/1620188906384949249?s=20>

⁸ <https://apps.ecology.wa.gov/cleanupsearch/document/121595>

⁹ <https://apps.ecology.wa.gov/cleanupsearch/site/15139>

¹⁰ <https://ecology.wa.gov/Events/Search/Listing>

- **Document Repositories:**
 - Copies of the review documents and fact sheets (including translations) were available for review at Seattle Public Library’s South Park Branch.
 - Outreach materials also directed the public to contact Ian Fawley, Senior Outreach Planner (ian.fawley@ecy.wa.gov), for document review assistance.

Comment Summary

From January 30 – March 15, 2023, Ecology invited public comments on a legal agreement (agreed order) and public participation plan for the Duwamish Waterway Park site.

Ecology received comments from eight commenters during the 45-day comment period.

Table 1: List of Commenters

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Robin	Schwartz	NA	Individual
2	Robin	Schwartz	NA	Individual
3	Robert	Hanlon	NA	Individual
4	Carson	Hayes	NA	Individual
5	Jessica	Miller	NA	Individual
6	Anonymous Resident	Anonymous Resident	NA	Individual
7	Anonymous	Anonymous	NA	Individual
8	Jamie Hearn / Christian Poulsen		Duwamish River Community Coalition	Organization

Next Steps

Ecology has reviewed and considered the public comments received on the documents and will finalize both documents.

Based on Ecology’s evaluation of the comments, no updates were made to the Agreed Order.

Ecology has also reviewed and considered the comments on the Public Participation Plan (PPP) and based on public comments regarding the Duwamish Valley community, Ecology will continue to refine our public outreach planning by scheduling public meetings during the evenings at locations, when possible, that are closer to affected communities; offering simultaneous (online

and in-person) meetings with interpretation and providing technical device access; and offering light refreshments during open houses preceding public meetings. Ecology will also continue to explore providing childcare during public meetings.

Ecology will finalize the PPP. We will continue to evaluate the community’s use of our adjusted LDW site outreach planning for future comment periods and will amend the PPP, as needed, based on community engagement.

The Duwamish Waterway Park site is continuing the cleanup process. Ecology will make the future Remedial Investigation, Feasibility Study, and Cleanup Action Plan available for public review and comment.

See graphic below and visit Ecology’s [cleanup process webpage](#)¹¹ to learn more Washington’s formal cleanup process.

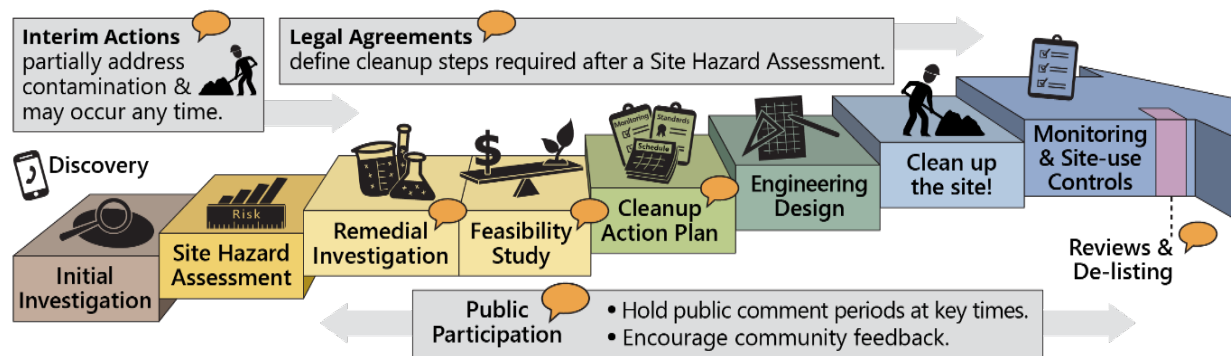


Figure 1: Washington's formal cleanup process ([download a text explanation](#)¹²)

Comments and Responses

The public comments are presented below, along with Ecology’s responses. Appendix A, page 21, contains the comments in their original format.

Comment from: Robin Schwartz

I am concerned because an RV that recently moved in next to the playground dumped a bucket of something last night into the playground. To whom should I report this activity?

Thanks

Robin

¹¹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

¹² <https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html>

Response:

From: Butler, David (ECY) <butd461@ECY.WA.GOV>

Sent: Tuesday, February 7, 2023 3:44 PM

To: Robin Schwartz

Cc: Fawley, Ian (ECY) <IFAW461@ECY.WA.GOV>; Nuszer, Augie (ECY) <naug461@ECY.WA.GOV>

Subject: Duwamish Waterway Park: Agreed Order and Public Participation Plan Comment

Hi Robin,

Thank you for submitting comments on the Duwamish Waterway Park Agreed Order and Public Participation Plan. We will provide formal responses in a “responsiveness summary” once the comment period closes. However, I noticed that one of your comments related to materials begin dumped at the park. Thank you for bringing this to our attention.

There are a number of way to report spills or dumping to Ecology. You can submit an online form or contact the Northwest Region Office directly:

Online: [Statewide reporting form](#)

Email: nwroerts@ecy.wa.gov

Phone: 206-594-0000

Thanks,

David Butler, LG, LHG

Hydrogeologist 4

Toxics Cleanup Program, NWRO

WA State Department of Ecology

Cell: 206-518-3513

Mon – Thurs: 7:30am – 6:00pm

Comment from: Robin Schwartz

I wanted to share that I've heard from several community members that a noon meeting is not accessible for them.

Thanks

Robin

Response:

Thank you for the feedback regarding the timing of the online public meeting. We hope the additional in-person meeting offered at 6:30 p.m. on February 8 helped provide an additional time of the day option. We will take your feedback in consideration when planning future public meetings.

Comment from: Robert Hanlon

1) Have there been contaminants identified (or testing planned) associated with the operations of United Site Services, including cleaning agents, industrial chemicals, oils, etc.?

2) Do the contaminants found in soils at site have the potential to migrate from, or to, other sites? That is, will the origin be determined, and assessment of fate inform actions?

Thanks!

Response:

Phase I and Phase II Environmental Site Assessments (ESA) have been completed for the United Site Services property, which has been termed the Duwamish Waterway Park Addition in the Agreed Order. The ESAs found arsenic, chromium, and polycyclic aromatic hydrocarbons (PAHs) in soil on the property above screening levels.

The Remedial Investigation (RI) for Duwamish Waterway Park will fully investigate contamination at the site (including the Park Addition). Which contaminants are likely to be present at the site and which contaminants will be investigated during the RI, will be based on current and historic site use along with area wide knowledge.

The RI will investigate all potential transport mechanisms for contamination at the site. Migration to and from the site will be investigated as part of this. Potential sources (or the origin) of contamination and the fate of the contaminates will be critical pieces of information to determine in the RI.

Comment from: Carson Hayes

Ecology and the City need to work together on this clean up with expediency. So far Ecology has acted randomly (no more VCP, no we just decided that there's a more formal process). Then Ecology cancelled the first public meeting at 630p on Feb 8th and moved it a day earlier and to noon timeframe that most working people can't attend, and then failed to tell the stakeholders. Ecology needs to learn how to work with the City and the South Park community and stop shutting out stakeholders. So far not cool. If Ecology just wants to get it done, then that's fine, but stop with this "we care" what the community thinks facade. If the park is really that dirty like you guys claim then this work should have already been completed a decade ago. No more excuses and process garbage, just get it done, quickly and with less deceptive behavior.

Response:

Thank you for your comment. We apologize for any misunderstanding on the public meetings, but Ecology did not cancel any public meetings. Ecology held two public meetings. The first was held on

Tuesday, February 7 at noon online via the Zoom application. The second was an in-person meeting held on Wednesday, February 8 at 6:30 p.m. at South Seattle College.

Ecology will work with the City of Seattle to complete the cleanup in a timely manner in accordance with Washington State's environmental law, the Model Toxics Control Act ([MTCA](#)¹²), which includes public participation at key steps in the [formal cleanup process](#)¹³.

Comment from: Jessica Miller

After everything this community has been through it is imperative that this process gets expedited with the full attention of all agencies involved so the park can be fully returned to public use as quickly as possible. During the course of this process the park must remain open (rotating in smaller sections of work if necessary), including maintaining beach access to the water. If beach access is to be restricted - work must be limited to the winter months of November to February to limit disruption of public use.

Response:

Ecology and the City of Seattle are committed to working collaboratively during the cleanup process and will do our best to expedite the process. Public access and use of the park will be fully considered when planning and performing the remedial investigation.

Comment from: Anonymous Resident

Remediation for the waterway park should be focused first and foremost on restoration and remediation of damaged ecology. Not 'public enjoyment' and urban bureaucratic efforts to address other important but unrelated community needs; specifically, bring back ecological stability by creating natural spaces with trees, permeable surfaces instead of pavement, and use this opportunity to close the very sad and real loophole is addressing pressing climate needs for the future of the planet - remove vagrants and abusers of public lands and restore essential habitat to the river basin. Restore what is lost and essential, and being lost at a faster pace than can be replaced: natural assets. Not public art. Not ADA accessible ramps. Not community learning centers. These are important but frankly irrelevant to the more urgent global and local crisis of habitat destruction. Restore the land, uphold the very definition of the agency: Environmental Protection.

Response:

The Department of Ecology's cleanup process under MTCA focuses on environmental cleanup and does not address vagrancy, public art, ADA accessibility, or learning centers. Please work with the Seattle Parks and Recreation on concerns related to park development.

¹² <http://www.ecology.wa.gov/MTCA>

¹³ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

Comment from: Anonymous

It was incredibly frustrating for the community to have the park closed for more than a year after improvements were made, only to be reopened without further action. Are the current conditions bad enough that the park shouldn't have been reopened, or should it never have remained closed in the first place? In a neighborhood with limited green space, removing access has a huge impact and has given me the perception that our well being is not prioritized, either because of spurious closures or ineffective remediation. In upcoming stages of the project, I would suggest prioritizing efficiency and access. I don't want to spend more years walking daily by a fenced off park.

Response:

The closure of the park was a decision by Seattle Parks and Recreation. While performing the work specified by the Agreed Order, Ecology and the City of Seattle will collaborate to ensure that efficiency and public access are prioritized while also ensuring the work is performed to the standards specified in MTCA.

Comment from: Jamie Hearn (Duwamish River Community Coalition)

[See original formatted comment letter attachment in Appendix A. The comment below has been divided into comment sections to better organize responses.]

Comment Section 1



Elevating the voices of those impacted by the Duwamish River pollution and other environmental injustices to advocate for a clean, healthy, and equitable environment for people and wildlife. Promoting place-keeping and prioritizing community capacity and resilience.

March 7, 2023

David Butler

david.butler@ecy.wa.gov

Site Manager

Ian Fawley

ian.fawley@ecy.wa.gov

Public Involvement Coordinator

RE: Duwamish Waterway Park Agreed Order, Public Participation Plan, and Local Considerations for Environmental Justice.

To Mr. Butler and Mr. Fawley,

Thank you for the opportunity to comment on the Duwamish Waterway Park Agreed Order and Public Participation Plan. It is vitally important that community voices are heard on the issues that directly impact them. The Duwamish River Community Coalition (DRCC) has long been a community steward for environmental justice in the Duwamish Valley, which is one of the most polluted areas in the entire Pacific Northwest following over a century of industrial dumping and release of toxic waste. We seek to amplify the will and voices of community members harmed by the combined impacts of environmental, economic, and health inequities present in the Duwamish Valley.

The Duwamish Waterway Park (DWP) is an incredibly important asset to our underserved community, which has very limited access to green space available for public use compared to the other Seattle neighborhoods. The South Park neighborhood has about [half of the acreage per resident](#) dedicated to parks and open spaces as the rest of Seattle, which is as vital to mental health and well-being as physical. Studies have shown a strong link between time spent in outdoor spaces and decreased rates of anxiety, depression, lowered blood pressure and increased capacity to deal with stressful life events, such as the prolonged periods of social isolation associated with the COVID pandemic. The shared reality of the majority BIPOC, low-income, and immigrant communities that call the valley home is vastly different than that of wealthier, predominantly white communities in other parts of the city. Our community needs a clean, safe and accessible Duwamish Waterway Park to take their children learn to swim or fish, to watch the salmon run or osprey hunt, to celebrate birthdays or enjoy a quiet moment of solitude watching Seattle's only river on its journey from the Cascades to the Salish Sea.

The DRCC thanks the Washington State Department of Ecology (ECY) for what it found to be a substantive and thoughtful attempt at genuine engagement with the community as it continues to adapt to and implement Environmental Justice mandates contained in the Healthy Environment for All Act (HEAL). Our community has shared their excitement at the prospect of turning this site from a contaminated, inaccessible area into a community asset with space for public use, and has also expressed a strong desire to be more involved in these processes. The DRCC has organized public events to engage with the community about this issue and we collectively offer the

following recommendations on how The Department of Ecology can improve the current draft of the Public Participation Plan (PPP) and Agreed Order (AO) for the DWP, which are explained further in this letter. Our comments on the Public Participation Plan are centered around concerns for environmental justice and enhanced community engagement.

Response Section 1:

Thank you for your comment and continued engagement in the Duwamish Waterway Park cleanup process.

Comment Section 2:

PUBLIC PARTICIPATION PLAN COMMENTS

- I. THE DEPARTMENT OF ECOLOGY SHOULD DISCUSS THE UNIQUE NEED FOR OPEN SPACE AND INCREASED ACCESSIBILITY IN THE DUWAMISH VALLEY.

Because South Park enjoys less green space than the rest of the City of Seattle, our community has an increased reliance on resources like the Duwamish Waterway Park. As a result, this plan should elaborate on how potential exposure to contamination and a lack of open space in South Park is of particular concern to this environmental justice community and should also address in more detail the cumulative health disparities experienced in the Duwamish Valley. The community has asked for specific examples of how the Department of Ecology and Liable Parties plan to communicate the risks associated with usage of the park, if and what signage will be erected, and if safety infrastructure will be installed to reduce any risk associated with normal use of the park for a community with few available alternatives to access green spaces.

The community has also long asked for hand and foot washing stations to be installed without a substantive response from city or state officials, and this park has already been in some process of investigation and cleanup for several years. This PPP provides little detail addressing these points, and Public Participation Plans should be tailored to address unique community concerns for each site rather than using a general plan that is used across all sites.

Response Section 2:

Thank you for your response highlighting the need for green space. We are aware of the significance of this park for the community, and we are acting diligently to make sure we advise the safest approach to park usage, while also measuring the concerns. The park itself is owned by the City of Seattle, and we are working with the City to maintain the quality and safety of the park throughout the formal cleanup process. Ecology will also work with the City on any signage needed regarding the cleanup.

Ecology will also pass along your hand and foot washing station request to the City.

Comment Section 3:

II. ENVIRONMENTAL JUSTICE COMMUNITIES NEED MORE ROBUST COMMUNITY OUTREACH AND ENGAGEMENT FROM ALL PARTIES.

Mailers are insufficient on their own, and enhanced community engagement in overburdened communities requires community involvement that goes beyond the mailbox and engages community members in-person, in their preferred language, and according to the unique scheduling needs of a predominantly immigrant, working-class population with limited English proficiency. The Department of Ecology should partner with communities to design culturally appropriate outreach, education and risk communication lacking in the Duwamish Waterway Park Public Participation Plan, as written.

The Department of Ecology should expand its outreach efforts to include more in-situ community engagement activities like door-knocking and flier/poster distribution in the South Park neighborhood, and include how it intends to share this and future plans with the community members (~36 families) currently displaced by the January 2023 “King Tide” South Park neighborhood flooding event that live in close proximity to the Duwamish Waterway Park.

Response Section 3:

Thank you for your feedback on community engagement. We understand that the Duwamish Valley community requires more intensive outreach than other areas, so we are actively trying new methods to meet the needs of South Park and Georgetown. This includes having interpretation in six different languages for public meetings, and if meetings are in the evening, we will work to secure meeting locations that enable us to provide light refreshments as well. We will also carefully consider the timing of our public meetings, incorporating your feedback about accessibility. We plan on incorporating Open Houses before future public meetings, which will include food. We will also work to secure locations that are closer to the communities in question.

In terms of in-situ community engagement activities, we have attended community events held by DRCC and other community organizations’ and groups’ meetings and will continue to explore opportunities to join future events. Ecology is committed to securing additional staff to help address the unique needs of the Duwamish Valley community which will help enable greater team capacity to engage in more in-person community outreach.

We have made efforts to contact the families displaced by flooding earlier in 2023 by working with the City of Seattle flood response staff to provide extra fact sheets (including translations), but we were not able to contact families directly due to privacy considerations and unknown addresses.

Comment Section 4:

III. THE DEPARTMENT OF ECOLOGY SHOULD MAKE PUBLIC MEETINGS MORE ACCESSIBLE FOR ENVIRONMENTAL JUSTICE COMMUNITIES.

The Department of Ecology should continue to explore ways to overcome economic and technological barriers to outreach for in-person community meetings that acknowledge the special nature of the area. Translation services for in-person meetings currently require community members to bring cell phones to access them, creating a technological/economic barrier for a community earning well below the median income and possessing limited English language skills, and community has expressed that Ecology should strive to meet the community where they are by holding meetings in the South Park and Georgetown neighborhoods, scheduled during the evenings, and avoiding midday meetings that exclude many working families.

For community members unable to attend in-person and online, meetings should be recorded and made available to community members and local CBO's for review. Translation services for in-person meetings currently require community members to bring cell phones to access them, creating a technological/economic barrier for a community earning well below the median income and possessing limited English language skills relative to the general population in the region.

Further, our community has expressed that the public meetings for this comment period were not accessible. Holding an in-person meeting in West Seattle was inconvenient for many community members, especially since those most impacted by decisions about DWP live in South Park. Many residents also rely on public transportation, so having meetings in the community is necessary. Therefore, in-person meetings should be held in South Park or Georgetown so that more community members can attend. Our community has also expressed the need for food and child care at in-person meetings. Providing such accommodations make these events more family friendly and make attendance less of a burden on community members.

Finally, for online meetings, our community would prefer evening meetings rather than meetings during the day. Having an online meeting at noon on a weekday was not accessible, and many community members expressed this to us. Many people have jobs where their lunch break is not consistently set at noon, and some do not have a full hour to spare in the middle of the day. Making these adjustments to the way public meetings are held will make the public comment process significantly more accessible.

Response Section 4:

Thank you for your feedback regarding public meeting accessibility.

We have considered this feedback and plan to make changes for future comment periods. We will work to offer cell phones and headphones for in-person meetings and interpretation services, which we hope will help remove this barrier and enable more language access.

At this time, Ecology does not have the capability to record meetings with multiple interpreters and then provide an accessible video for all languages after the meeting.

We appreciate your feedback about in-person meeting locations and will consider locations that are closer to the neighborhoods of concern and more accessible for the community in future public meetings. We are considering various methods to provide food and childcare to ease the burden of community engagement for the South Park and Georgetown communities.

Thank you for your feedback regarding the time of day for public meetings. Ecology wanted to provide multiple meeting times throughout the day in consideration of various work schedules. We appreciate your feedback on how best to adjust, and we understand now that the noon timeframe is not preferred in the Duwamish Valley community. For future public meetings, we will try holding simultaneous (online and in-person) meetings during the evening hours with an open house preceding to allow for more flexibility for those choosing to travel and join in-person as well as those who prefer to join online. We welcome community feedback on our meeting approach so that we can continue to adjust for the community's needs.

Comment Section 5:

AGREED ORDER COMMENTS

IV. THE AGREED ORDER NEEDS TO INCLUDE MORE DETAILS ABOUT HOW OUR COMMUNITY CAN EXPECT TO BE GIVEN ACCESS TO INFORMATION BY ECOLOGY.

In section 7.2 of the Agreed Order, it states that communities will be informed of significant changes. Due to this site being a public park and the aforementioned need for green spaces in this community, there is increased concern about being informed of significant changes. Ecology should specify how community members can expect to receive notice of any significant changes to the agreement.

Additionally, the Agreed Order should also be drafted with the needs of an environmental justice community in mind. Meaningful engagement requires consultation, community-driven involvement, and shared leadership. This should include more public meetings with Ecology representatives both in-person and online to address questions and concerns, hold conversations with the community about ways to make public comment more accessible, and solicit feedback from the public on what their engagement needs are for each site. Public meetings should be culturally relevant to our community which can be achieved by planning events with local organizations who have existing relationships with the community.

In Section 7 of the Appendix, there is discussion of how the Department of Ecology plans to comply with the State Environmental Protection Act (SEPA). This would be a good place to also include a more in depth discussion of how the Department plans to comply with the HEAL Act. Ecology should explain in detail how the Healthy Environment For All (HEAL) Act informed and guided the creation of the Agreed Order as mandated by law. Additionally, the Department of Ecology should

provide examples of how planning for this site meaningfully prioritizes vulnerable environmental justice communities outlined in the HEAL Act absent from previous site plans created prior to the passage and implementation of the Act.

Response Section 5:

If a significant change is made to the Agreed Order, then another public comment period will be scheduled, so that any public concerns can be addressed.

Since implementation of the HEAL Act is ongoing at Ecology, changes to the Agreed Order to include components of the HEAL Act cannot be made at this time. However, the public participation plan can be changed at any time and Ecology can make changes to address the needs of the community as HEAL Act implementation occurs.

What document, and where within that document, it is most appropriate to address the HEAL Act will be determined as Ecology continues implementation of the HEAL Act requirements.

To learn more about Ecology's progress on implementing the HEAL Act visit <https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice/HEAL> and read the attached report in **Appendix B** "Implementing Washington's Environmental Justice Law (Chapter 70A.02 RCW); Summary of Progress and Implementation Goals."

Comment Section 6:

SUMMARY

In summary, we believe that the Duwamish Waterway Park Public Participation Plan needs to be revised to reflect an Enhanced Community Engagement approach that includes (1) a deeper analysis of the unique need to prioritize access to open spaces in the Duwamish Valley, (2) a more robust community outreach from all parties, (3) a plan to make meetings more accessible for environmental justice communities, (4) more information on how community can expect access to information given by The Department of Ecology. We request that the Department of Ecology revise their Public Participation Plan to include the aforementioned Enhanced Community Engagement approach.

We appreciate this opportunity to provide comments. Please do not hesitate to contact us if you have any questions.

Response Section 6:

Thank you for your community engagement feedback.

Ecology's Public Participation Plans (PPPs) reflect our commitment to fulfill MTCA's legal, public involvement requirements. These PPPs are also a practical commitment to the amount of outreach that Ecology's current resources (staffing and funding) can fulfill. We will strive to do the most

effective outreach that we can with the staffing and resource capacities we have. Ecology is also committed to securing additional staff to help address the unique needs of the Duwamish Valley community which will help enable greater team capacity to engage in more in-person community outreach.

Ecology may do more outreach than what the PPP conveys. Based on your comments, Ecology will continue to refine our public outreach planning by scheduling public meetings during the evenings at locations, when possible, that are closer to affected communities; offering simultaneous (online and in-person) meetings with interpretation and providing technical device access; and offering light refreshments during open houses preceding public meetings. Ecology will also continue to explore providing childcare during public meetings.

Ecology will finalize the PPP. We will continue to evaluate the community's use of our adjusted LDW site outreach planning for future comment periods and will amend the PPP, as needed, based on community engagement.

Appendices

Appendix A. Public comments in original format

Appendix B. “Implementing Washington’s Environmental Just Law (Chapter 70A.02 RCW) Summary of Progress and Implementation Goals”

Appendix A. Public comments in original format

Appendix B. “Implementing Washington’s Environmental Just Law (Chapter 70A.02 RCW)
Summary of Progress and Implementation Goals”